

#### IV. REMARKS

##### **Status of the Claims**

Claims 1-20 are amended. Claims 1-20 remain under consideration.

##### **Summary of the Office Action**

Claims 1,2 and 6 stand rejected under 35USC103(a) on the basis of the cited reference Cashman, U.S. Patent No. 6,449,494. Claims 1-20 stand rejected under 35USC112, second paragraph. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

Applicant submits that the above amendments to the, specification, claims, and figures, fully overcome the rejections under 35USC112 and the various objections raised by the Examiner.

##### **Discussion of the Cited References**

The Examiner relies primarily on the reference Cashman to support the rejection based on obviousness. Cashman discloses a method in a portable communications and data terminal operating to optimize receipt of both incoming CDPD and AMPS messages. The data terminal can communicate with both CDPD and AMPS networks wherein while the terminal is communicating with AMPS the CDPD operations are set to sleep mode. The period the terminal is in the CDPD sleep mode is determined by a timer. After the time defined by the timer has elapsed the terminal ceases the sleep mode and begins to listen the CDPD transmissions until a message is received. The message contains information for which terminals the CDPD system has messages waiting for transmission. Therefore such terminals should stay in an active mode while other terminals can enter the sleep mode.

In the system of the present application a paging period is defined for the mobile station wherein the mobile station can change the mode from a standby mode to an idle mode. The idle mode may be interrupted during the paging period at intervals so that the mobile station can receive information transmitted by the network. The mobile station can use the received information for maintaining the synchronization with the network. It is also possible that the mobile station is in the idle mode the whole paging period. In that case the mobile station changes from idle mode to standby mode at the end of the paging period to receive information transmitted by the network. The received information is then used to resynchronize the mobile station with the network. In the latter alternative the term resynchronize means that the mobile station may lose the synchronization with the network during the paging period, hence a resynchronization may be needed.

Cashman does not disclose that the mobile station interrupts the idle mode to receive information transmitted in the network during the paging period and using the received information for synchronization purposes only (i.e. the training period is received and used for correcting timing errors of the local oscillator of the mobile station).

Moreover, Cashman does not disclose that the mobile station has two different power saving modes: standby mode and idle mode. Applicant submits that the sleep mode of Cashman corresponds to the idle mode of the subject application, because in the sleep mode the data terminal of Cashman does not listen to or receive CDPD messages.

Applicant submits therefore that the teaching of the cited reference Cashman has more significant deficiencies than are indicated by the Examiner. These deficiencies

are not remedied by the Examiner's statement indicating that it would be obvious that a CDPD system sends packets.

According to basic tenets of patent law, in order to support an obviousness rejection, there must be some suggestion of the desirability of making the modification, aside from the subject application. The claimed invention must be considered as a whole and the references must suggest the desirability and thus the obviousness of making the modification, the references must be viewed without the benefit of hindsight. (See MPEP sections 706.02(a) and 2141. Applicant submits that the modification of the teachings of Cashman, in order to obtain the invention, as described in the amended claims submitted herein, would not have been obvious to one skilled in the art. There is no indication that such a modification would be desirable.

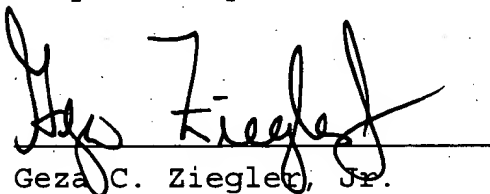
The above remarks apply equally to the rejections as applied to all of the claims.

V. SUMMARY

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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19 Aug 2004  
Date

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